

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ROCK HILL DIVISION

Francisco K. Avoki,	)	C/A No. 0:19-324-SAL-PJG
	)	
Plaintiff,	)	
	)	
v.	)	
	)	<b>ORDER</b>
City of Chester, South Carolina; Hy-Gloss	)	
Paint & Body Shop, Inc.; Cpl. Robert Martz;	)	
Does I-XXX; Mayor George Caldwell;	)	
Kenneth Marsh; Deborah Watkins; and Sandi	)	
Worthy	)	
	)	
Defendants.	)	
	)	

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The plaintiff, a self-represented litigant, has filed this action, *pro se*, seeking relief pursuant to 42 U.S.C. § 1983. Defendants Caldwell, Marta, and the City of Chester filed a motion to dismiss on February 13, 2020, pursuant to the Federal Rules of Civil Procedure. (ECF No. 90.) As the plaintiff is proceeding *pro se*, the court entered an order pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), on February 14, 2020, advising the plaintiff of the importance of a motion to dismiss and of the need for him to file an adequate response. (ECF No. 91.) The plaintiff was specifically advised that if he failed to respond adequately, the defendants' motion may be granted, thereby ending his case against them.

On March 23, 2020 the plaintiff filed a motion seeking additional time in which to respond. (ECF No. 100.) However, on March 16, 2020, the court issued Standing Order, Misc. No. 3:20-mc-105, that extended the plaintiff's deadline by twenty-one days from the set deadline due to the current public health emergency regarding COVID-19, rendering Plaintiff's motion moot. Despite this extension of time and notwithstanding the specific warning and instructions set forth in the court's Roseboro order, the plaintiff has failed to respond to the motion. As such, it appears to the

court that he does not oppose the motion and wishes to abandon this action as to his claims against Defendants Caldwell, Marta, and the City of Chester.

Accordingly, it is hereby

**ORDERED** that the plaintiff shall advise the court as to whether he wishes to continue with this case and to file a response to the defendants' motion to dismiss on or before **April 27, 2020**. Plaintiff is further advised that if he fails to respond, **this claims against Defendants Caldwell, Marta, and the City of Chester will be recommended for dismissal with prejudice for failure to prosecute.** See Davis v. Williams, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

**IT IS SO ORDERED.**

April 13, 2020  
Columbia, South Carolina

  
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Paige J. Gossett  
UNITED STATES MAGISTRATE JUDGE